

local fundraising based upon similar markets, and justification relating to their current operating budget.

B. Community Advisory Board: All studio-waived facilities should have some degree of local advisory board to assess if the licensee is serving the needs of the community. The station should address community concerns within its programming.

C. Waiver Limits: All licensees should be given a ten station studio-waived limit, meaning only ten waivers per applicant. Reason for this is that only a finite amount of communities can be addresses at the same time with one centralized studio. Additionally, large networks squelch the availability of channels for local entrants.

D. Programming: All licensees should devote a minimum number of hours to what is referred to in the above as “white zone” topics (topics exclusive to the community of coverage of the studio-waived station). All programming serving these topics should be recorded in the station’s public file.

E. Regional Mission: There should be a regional scope to any licensee’s domain. National networks should be relegated to the medium in which they are the most appropriately scaled for: satellite and internet radio. National networks should be able to redeem their terrestrial FM licenses for one “NCE sky license”. In the inevitable Sirius/XM merger, NCE sky license channels should be reserved for educational use, with reception without subscription service. The FCC should make NCE “sky band” adapters for FM radios available free of charge.

G. “Good cause”: Good cause arguments, or exceptions to the rule, should be accepted, although carefully scrutinized. In cases in which there are exceptions to the rule granted, a one-year trial waiver should be granted, and local public service evidence should be judged at the end of the term.

H. Public service viewed at license renewal: Local public service evidence should be forwarded to the Commission during license renewal. Each licensee should subscribe to the local newspaper available in the studio-waved community of license. Each licensee should record the major issues applicable to the station license’s coverage area on a quarterly basis. The licensee should state which issues were addressed in the station’s programming.

I. Integrate NCE “satellite station service” into FCC regulations: End “main studio waivers” and rename the service “satellite station service”. End the ambiguous waiver for studios, which is no longer the “exception to the rule” but has become the rule.

J. Redundant frequency ownership: If a licensee owns multiple frequencies in a *satellite community*, broadcasting redundant programming on each channel, the public should be able to demand better use for the channels.

### **Localism concerning LPFM and Translators**

LPFM is an important service in aiding localism. The FCC currently allows placement of LPFM stations solely based upon a non-technical physical spacing requirement. This means, the Commission originally wanted to simplify the method of placing new LPFMs

by basing it upon transmitter spacing, regardless of antenna pattern or signal strength. The problem with this licensing scheme is that it doesn't use the FM band efficiently<sup>54</sup>.

A. LPFM should be switched to “translator rule” placement: Translators use a contour/signal strength-based methodology<sup>55</sup>, which more precisely uses real-world engineering models for placement. The discontinuity between the *distance* and *contour* methodologies prevents LPFM and translator services from being technically compared to each other, allowing a “fog” for NAB to use to argue against LPFM—yet be pro-translator. If interference concerns were really an issue, all NAB would have to say is “LPFM should use translator licensing requirements” and be done with it. But it appears that NAB dislikes LPFM because it is, in fact, *competition*. But if LPFM placement is switched to translator methodology, all the interference complaints from the naysayer automatically evaporate, and we can avoid all the costly time in court.

B. LPFM service should be given higher service status compared to translators in the top 300 markets. However, the Commission should impose a ten-translator “repetition” protection limit for translator service within the top 300 markets<sup>56</sup>. In other words, each individual licensee can only have ten translators carrying their programming with protection from “LPFM superseding” in these markets, regardless of who owns the translator. A simple “translator ownership protection

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<sup>54</sup> FM distance spacing rules work well with full power stations (10,000's of watts), but poorly extrapolates to low-wattage stations.

<sup>55</sup> Translators must be more carefully placed to avoid interference near the transmitter site, but this is doable by hiring an engineer to pick the right transmitter site and wattage

<sup>56</sup> The Commission has already suggested a retroactive ten translator processing limit in the “Report”.

cap” among licensees would not work because licensees could collude with third parties to circumvent this rule. Simply put, there’s no room for LPFM in the largest markets even if they can utilize translator placement methodology<sup>57</sup>.

### **Localism in Community Service (All Stations)**

Standards need to be prescribed as guidelines for what is considered “adequate local public service”:

- A. Minimum time investment for community topics: All stations should be accountable for a certain number of hours a week devoted to licensee-originated “local topics of community interest”. A percentage of these topics should be “white zone” topics (see page 45). Say, if 30 minutes a week is required for “white zone” topics, a station could devote time to playing local artists, having a daily community-specific entertainment/concert calendar, interviewing local community members (or pillars of the community), addressing local topics, having a call-in show about a local topics, etc.
- B. Minimum time investment waiver: Student/community/LPFM radio stations operated primarily by faculty, students, and volunteers that have tiny budgets or no professional staff to devote to originating community affairs programming should be able to apply for a waiver to the above (described in “A”). Student and community radio often fulfills “community programming” by actually allowing non-paid local students or community members to have direct access to on-air time. This in itself should be able to be counted as

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<sup>57</sup> In a comment by Prometheus and Common Frequency (Re MM Docket No. 99-25, April 2008) we showed limited translator frequencies open in major markets.

“student community” or “community” service through its indirect service to community members. The waiver should be based upon 1) *diverse* student access (multiple schools in a district, or a junior college with broadcast class open to community members), student plus community access, or community access, 2) minimum station budgets (example, total station budget less than \$150,000/year), and 3) a minimum number of community topics covered per quarter on the station.

- C. Advisory Boards: All stations should have some type of community advisory board. The advisory board should be vetted by the FCC via a selection of local volunteer applicants filling out an online diversity questionnaire at the FCC website. **Stations listed in “B” above, or non-studio-waived stations that originate a minimum prescribed number hours a week of local-originated public affairs programming, should be able to choose between an advisory board, or “issues of importance” file.** An “issues of importance” record would demonstrate: 1) chief topics of community interest on a quarterly basis, according to the local newspaper, alternative daily, or self-reported, 2) a station involvement report (number of students, community members, and volunteers, cultural & age makeup of staff and volunteers, and access of station staff and volunteers to airtime), and 3) the programs that were run on-air that dealt with topics of community interest.
- D. Studio Presence: We do not agree that 24 hour staffing should be required. Instead, all stations should designate local on-call “sentinel” positions when studio staffing is not present. The sentinel shall be required to track all local

and national news, advisory, and warning bureaus. The sentinel should be linked to intercept EAS and station voicemail, and be able to override automation programming for self-produced announcements.

### **Continual Evolution, Oversight, and Education**

We believe local public service cannot be dealt with by one-time rulemakings. First, we consistently hear that the public disapproves of broadcasters, and that broadcasters defend their dedication toward serving the public interest, but we have don't have comprehensive data on-hand to broadly determine what kinds of policies to implement and enforce to find solutions. Second, there is no clear way for the public to interact with the Commission concerning broadcaster responsibilities.

We submit by example a system that may aid in the issue of communication between the public, broadcasters, and the FCC: Within the last decade, the Los Angeles County was facing a public health meltdown over restaurants not being up to health code, the County not being able to maintain quality inspections, and the public clueless to the food preparation conditions in each restaurant. Poor food mishandling and sanitation became so epidemic that a local television news report performed their own restaurant investigations that in total decimated the credibility and effectiveness of the LAC Department of Health. To combat the problem, the Department of Public Health had to revamp the entire system, adding the tool of *transparency* into a public education campaign. Each restaurant in LA County is now required to post a letter grade by their front door that translates to the condition of their health inspection.

Along with new regulation, technology can aid *transparency* for producing tools that the Commission can utilize as a barometer for measuring a broadcaster's public service level. This system would require almost no additional cost for broadcasters. The system is as follows:

- 1) The FCC could create a *Broadcast Public Service Info Center* portal on its website as an educational tool to bring together broadcasters, radio listeners, television viewers, the music community, the Commission itself, and the public: say, "[www.fcc.gov/infocenter](http://www.fcc.gov/infocenter)", for example. Purpose of *Info Center* is educational in nature, but also as a tool to survey public service and localism. The Commission already participates in effective public educational outreach on the web with *Kids Zone*, *DTV Transition*, *Tribal Page*, etc; this would not be a new concept.
- 2) Each station would have a page on Info Center displayable under *market ranking*, *city*, *state*, or *ownership name*. The information on that page would be dependent upon type of station they are (television, commercial radio, NCE radio, LPFM, translator). Licensees interact with Info Center by a CDBS-like interface. All stations could participate in Info Center, except non-commercial stations with two or less full time employees, or with an annual operating budget below \$200,000, that have at least ten hours a day (M-F) of live operator-assisted local-originated programming will be partially exempt (or optional) in regards to reporting to it (referred to as "exempt"). This partial exemption is geared towards offering leniency towards student and community volunteer stations that strive to produce

local programming and include participation of community, but are not run as professional outfits that have the personnel to undertake large amounts of data sorting and ascertainment.

- 3) The FCC could develop software for each station to be able install a public file on an online server connected to the Internet. All non-exempt stations are required to post full public files online. All public files addresses must be linked to Info center station pages.
- 4) Info Center Music Survey: In an effort to bring transparency to airplay, commercial stations will be required to post a list of all artists and playcount on a weekly basis. This could be automated by having station playlist or automation software manufacturers upgrade code to dump the play data onto FCC Info Center. Additionally, the station must perform simple rote music ascertainment. This includes:
  - a) Reporting the top 100 best selling artists lists from local record stores in the last month. This step can be omitted if all stores directly report to Info Center in the market.
  - b) Reporting a list of music artists that have played local venues in the last month and whether any received airplay. Local clubs can report to directly to Info Center if they desire.
  - c) Reporting if the station has an entertainment calendar, and which artists and clubs where announced.
  - d) Reporting a list of music requests for each artist and song in the last month. More than two calls per phone number can be disregarded.



- e) Reporting a list of artists played on the air that could be considered “local” (within the radio market).
- f) Reporting all the independent promoters it has talked to and disclosing what artists those promoters have presented the station.

The FCC should additionally post top selling music on a weekly basis according to A) Soundscan, and B) Internet downloads. Also, each radio station music promoter currently servicing stations should report a monthly roster of artists they represent to Info Center. The purpose of the above is to represent the local public’s music buying and local artists concert performing habits in relation to the station’s airplay, and maximum transparency. Most of the above could be automated or semi-automated.

- 5) Public Service Reporting: All reporting in “Localism in Community Service” discussed above flows through Info Center (Advisory board, reporting, waivers, etc).
- 6) Minimum Standards and License Renewals: A system for broadcast standards should follow a rating scheme used to in other industries to alert the public of a broadcaster’s job in running a local station. The grading scheme would be a point system in which the broadcaster fills out an online “Public Service Report” every two years (on even years) claiming points for each activity that the station chooses to partake in. This online reporting system could be web-accessed via CDBS or Info Center, requiring little work from the Commission to implement. Points could be tentatively tallied automatically, although qualitative points may need to be assessed. A report card that makes a rating (A, B, C, D, F) would be

linked to specific criteria. The criteria could include: degree of local election coverage, whether they heeded the advisory board, hours of local programming, amount of public service announcements run, local emergency plan, amber alert plan, playlist disclosure, etc. License renewals should occur once every 2 years (on odd years). If a broadcaster consistently opts to do the below the “minimal”, receiving “D’s” and “F”, the public can contact the FCC to have a local hearing regarding that station’s license. The broadcaster can then opt to listen to the community and be given a chance to serve the public better. If this broadcaster does not maintain at least a minimal “passing” grade following the hearing at its next review, that broadcaster’s license can be challenged under abandonment of localism. At this point, the license could be opened up to proposals from other entities.

### **If Not The Above, Then Something...**

It would be helpful if the Commission could reveal what criteria constitutes a licensee *not serving* a local community.

## Appendix

### Appendix A: Articles on EMF

# Deseret News

## Christian radio firm makes bid on KCPW

**By Jasen Lee**

Deseret Morning News

Published: Thursday, March 13, 2008 12:04 a.m. MDT

Radio station KCPW has received a purchase offer of \$3.7 million from Christian broadcasting company Educational Media Foundation, based in Rocklin, Calif.

Many supporters are frustrated because they have had little success contacting anyone on the Community Wireless board of directors or station management to discuss a potential deal to purchase the station through a local investor group, she said. The board has also barred station employees from discussing the matter with the public.

"They are not returning calls, and that bothers me a great deal," she said.

Former KCPW general manager Ed Sweeney said his group, Wasatch Public Media, wants to buy the station and has been given until March 15 to come up with a plan that matches the current offer on the table from EMF. He said Wasatch's previous offer of \$2.4 million submitted on March 6 has to be amended sufficiently to keep their hopes of buying the station alive.

"I'm doing my very best to scramble to come up with a plan that would meet the satisfaction of Community Wireless that would match the \$3.7 million," he said. "We have strong grass-roots support."

Sweeney said he has secured most of the funding but is working to locate additional investors to make up the \$1.3 million needed to match EMF.

Steve Denkers, board member of the Stephen G. and Susan E. Denkers Family Foundation, who has donated several hundred thousand dollars to the station over the past several years, said he is also troubled by the most recent developments regarding the sale of the station.

"If they can sell the station to an evangelical group for x-amount of dollars, then that's what they can do," he said. "In a moral sense or in a fair game sense, we who pledged on pledge drives and gave money to building the station deserve a chance to raise the money to buy it."

Denkers said he expected to have at least six months to put together a committee that would work at organizing funding to keep the station locally owned. He said the current March 15 deadline may be too soon for an agreement to be reached in time.

Calls by the Deseret Morning News to KCPW attorney Joe Wrona and Keith Whipple, vice president of communications and marketing for Educational Media Foundation, were not returned Wednesday.

KCPW, founded 14 years ago, has a combined audience of almost 50,000 listeners and an annual budget of almost \$1.4 million dollars, according to financial statements obtained by the Deseret Morning News.

Previously, the Community Wireless board said it preferred to sell the stations to the Sweeney group. But the board also retained the right to entertain offers from other interested nonprofit organizations, giving priority to those that would continue the station's current news and information format.

EMF has dozens of stations nationwide that broadcast Christian-oriented music, though it is not clear if the company would change KCPW's format from the current NPR news and talk programs.

With the weekend deadline looming, Sweeney said he will continue work at finding another investor to try to make up the current \$1.3 million dollar shortfall Wasatch Public Media has.

"I'm doing my best to try to get financial support to back up our offer," he said. "I'm realistic that we have a tough battle ahead of us, and I'm going to do everything in my power to put together the offer in a business-like way."

#### **Reader comments: Christian radio firm makes bid on KCPW**

3 comments | [Read story](#)

**Judy Tukuafu** | 9:45 a.m. March 13, 2008

I have supported KCPW for many, many years including volunteering at pledge drives and giving money. I know there is a huge amount of support for this station and I don't understand how this is happening! I appreciate the efforts of all the people working to keep KCPW the radio station we have loved and supported.

**russ** | 8:44 p.m. March 13, 2008

In my neck of the woods, and in another state, we have found that the so-called Christian stations try to buy in to the dial next to the public stations, and then crank up the energy. There is an incidious war going on between the money of the zealots of the rightwingchristian viewpoint and public radio and tv.

War has been going on for about 5 years now. Under the radar, so to speak. Sorry to hear about Utah's problem

**Secular** | 9:18 p.m. March 14, 2008

As I have watched broadcasting in the Educational FM part of the band, I have noted a trend that some so-called Christian groups appear to have tried to lock down every available channel in every community. The Wasatch Front area already has several 'Christian' radio broadcasters: KUFR, 91.7 FM, Salt Lake City; KANN, 1120 AM, Roy; KEYY, 1450 AM, Provo (heard only in Utah County); KYFO-FM, Ogden, 95.5 FM & 92.7 FM, in addition to several limited power stations that rebroadcast out of state FM stations. The existing "Christian" stations are doing a good job and are serving the Christian community well. I don't think that community is underserved, but if we lose KCPW's news and information format, all of us will be underserved in that area.

\* \* \* \* \*

**The New York Times**

## In Texas, Fighting to Keep Brahms on Air

By DANIEL J. WAKIN

Published: June 26, 2006



KILGORE, Tex., June 24 — In this landscape of oil derricks and Rangerettes — a renowned drill team dressed in smiles and miniskirts — a tiny radio station sends out a lifeline to classical music lovers in East Texas.

It is KTPB, the station of Kilgore College, which educates the children of oil hands and other blue-collar workers. Now the college has decided it can no longer afford to support the station and has announced its sale. The new owner? A Christian-music broadcasting company from California, which will pay the college \$2.46 million over 10 years.

Richard Jenkins, the president of the company, EMF Broadcasting, acknowledges that the sale has some people in the area outraged. "I know there are some unhappy campers out there," he said. "But it always happens with change."

Though classical music may be a minority taste, its adherents here are vocal. Some have formed a group, Save Our Arts Radio. They have advertised in the local newspaper and generated at least 175 letters, many of them sent to the Federal Communications Commission, which must still approve the deal.

"Just because we live out here in the middle of nowhere doesn't mean we have to be a cultural void," said Nancy B. Wrenn, the executive director of the East Texas Symphony Orchestra, based in Tyler, about 30 miles away. She helped form the group. "This radio station has reached people who have no other access to the arts," she said. Meanwhile, three other Christian music stations lie just to the north on the FM dial.

The loss of a classical KTPB would be the latest footstep in the decline of classical music radio in the United States. Doomsayers see the trend as part of a broader diminishing of the art form, although new sources — satellite and digital radio and Internet streaming — are emerging. In 1990, about 50 commercial stations were on the air; the number is closer to 30 now. About two dozen public radio stations have cut back on classical programming to varying degrees in the last decade, said Tom Thomas, co-chief executive of Station Resource Group, an organization of public stations.

Kilgore's favorite son — the famously reclusive pianist Van Cliburn, who spent some of his childhood in the town — has spoken out against the sale. "There is no way to give a monetary evaluation to the world's heritage of great music," he wrote in a letter published in The Tyler Morning Telegraph this month. The trendy music of today is fleeting, he said, "but the permanent, ageless masterpieces are enduring and

forever." Losing the station would be a travesty for the college, wrote Mr. Cliburn, whose name adorns a college auditorium.

The school's trustees voted unanimously on April 20 to approve the deal. The F.C.C.'s period for public comment ended Saturday; the commission must now issue a ruling, but it has not set a deadline.

The school, a junior college in this town of 11,000, has been increasingly strapped financially, and the money it was using to subsidize the station — about \$125,000 a year — was better put toward educating students, officials said. The Corporation for Public Broadcasting provides about \$85,000 a year, and donations amount to \$80,000.

KTPB, the only classical music station between Dallas and Shreveport, La., a distance of 190 miles, has about 15,000 listeners and reaches a population of 300,000 to 400,000. Classical music plays from 6 a.m. to 4:30 p.m. during the week; then an hour of talk and "The World" from Public Radio International; then more music or syndicated concert programs; then music all night. It also plays jazz, blues and swing.

In an interview, William M. Holda, Kilgore's president, said the public share of financing for the college had declined from 87 percent of the budget to 35 percent in the last 30 years, partly because of the drop in value of the oil fields and the associated dip in tax revenues. He has had to cut the work force and also trim courses, in areas like forensics, fashion merchandising and watch repair. Meanwhile, tuition and fees are on the rise. The college has 5,000 students, most of whom commute.

He said the college did not actively seek a buyer but was approached by a radio station broker.

Mr. Holda also pointed out that the station has a meager 650 members. "People want things, but they don't want to pay for them," he said. "It's not unique to the arts."

Supporters of the station see it differently. "It's a public trust," said Otis Carroll, a prominent Tyler lawyer and a leader of the group trying to save the station. He and others say the college kept the negotiations quiet until it was too late and made no attempt to ask for outside financing.

KTPB in Kilgore, Tex., is the only classical radio station between Dallas and Shreveport, La.

Mr. Holda pointed out that the board meeting had been advertised in the local papers several weeks in advance.

EMF Broadcasting, which is based in Rocklin, Calif., plans to eliminate local programming and said it would beam in a feed of its K-LOVE or AIR-1 networks, or possibly a new format. EMF began providing programming for one affiliate in 1988, and it now owns and operates 192 stations, delivering programming to a half-dozen more.

"The mission of the organization is to promote Judeo-Christian values and bring people to some kind of spirituality, a closer walk toward God," Mr. Jenkins said. He added that Texas was fertile ground for EMF. "It's just a great, great area," he said. "People respond to our programming very, very well."

The story of KTPB is not just Bible versus Beethoven. It has surprising nuances. Mr. Holda of Kilgore College is a former music professor who trained as a singer. "It's a bittersweet deal," he said, adding, "My whole original life was in music."

The sale also means a much smaller audience for the college's sporting events and an end to broadcasts of music from local churches. Nor are the station's staff members a godless bunch; most say they are churchgoers.

KTPB's programming is substantial, in contrast to the easy-listening style of many classical stations. On Friday, for example, there was the entire Brahms "German Requiem," a Beethoven string quartet, lesser-known Liszt piano works, music of George Butterworth and Mozart, Arthur Sullivan's Cello Concerto, Morton Gould's "Santa Fe Saga" and Bartok's second piano sonata.

A hint of class friction also tinges the affair. Most of KTPB's listeners and vocal supporters live in Tyler, a well-heeled city of about 90,000 that has traditionally housed executives. Look for country clubs, not derricks.

On the other hand, the trustees who voted to sell the station live in Kilgore College's tax district. They include a broker, a banker, a lumberyard owner, a former Kilgore College football coach, a pharmacist and an auto mechanic.

If the station goes, "it makes us a small town," said Cris Selman, a 90-year-old woman who is a pillar of Tyler's cultural scene.

Kilgore, where oil was struck in 1930, is at the center of the East Texas oil patch. Working wells are common in the area, but most of the big derricks in town are ornamental, monuments to one of the world's biggest oil bounties. Its other famous (and energy-producing) export are the college's Rangerettes, who started performing in 1940. Attired in white Western hats and boots, blue skirts and red tops, they have appeared at bowl games and presidential inauguration festivities.

Kilgore College was founded in 1935 to give the newly booming town some gravitas. It has strong vocational programs, and is also the home of the respected Texas Shakespeare Festival. Nearby Longview has an orchestra of its own, a small opera company and an art museum.

The loss of KTPB would leave the Tyler folks the most bereft (to the east, some receive Shreveport's public radio station). No more Metropolitan Opera broadcasts. No more New York Philharmonic.

Moreover, KTPB is a cultural glue, sponsoring events for children and broadcasting some 50 local concerts a year, including those of the Longview and East Texas orchestras and their guest soloists.

KTPB has five full-time employees, and they have struggled to remain neutral. "It really is like a grieving process," said Kathy A. Housby, the general manager and afternoon on-air host, who has been at the station for all of its 15 years.

Just a year ago, the station moved into a one-story renovated yellow brick building opposite the First Presbyterian Church. Its old site was used for a \$5-million new residence for the Rangerettes, who have their own museum on campus, and a motto: "Beauty knows no pain."

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## ***Inside Indian Business 2/14/2008***

### **Non-Profit Broadcaster Buys Lafayette Radio Station**

The only locally-owned commercial radio station in the Lafayette-West Lafayette market has been sold to a California-based non profit. WGLM owner Kelly Busch has announced the operation has been purchased by the Educational Media Foundation. The group owns more than 320 radio stations in the U.S. EMF's website shows it already owns four stations in Indiana.

\* \* \* \* \*

## Price revealed in KC

Educational Media Foundation's acquisition of KCXM-FM Lee's Summit MO, part of the Kansas City market, is priced at 16M, according to documents filed with the FCC. The filing also reveals that the call letters have been changed to KLRX, and that EMF has been running its K-LOVE format on the station since the beginning of the month. The seller is Union First Broadcasting.

\* \* \* \* \*

Monday, January 28, 2008

Salem selling radio station 'The Fish'

**The Business Journal of Milwaukee - by RICH KIRCHEN**

Milwaukee contemporary Christian music station WFZH-FM (105.3), known as "The Fish," is being sold by Salem Communications Corp. to a nonprofit foundation that plans to carry "Christian-based family-oriented programming."

The Educational Media Foundation of Rocklin, Calif., will pay \$8 million to buy the station from Camarillo, Calif.-based Salem (NASDAQ: SALM), according to a filing Monday with the Federal Communications Commission.

The sale of WFZH would complete Salem's exit from the Milwaukee market. The company is selling its Milwaukee AM station, WRRD-AM (540) to Craig Karmazin's Good Karma Broadcasting for \$3.8 million, it was announced last week. Salem has been running religious and conservative talk programming on WRRD.

The divestitures of the Milwaukee stations fit Salem's stated strategy in recent years of "selectively divesting certain non-strategic or under-performing radio station assets."

The Educational Media Foundation plans to launch its "K-Love" programming on 105.3 starting Feb. 15, according to the FCC filing. The foundation's Web site says it plays artists like Third Day, Mercy Me & Michael W. Smith. The foundation already has a station in Fond du Lac at 91.7 FM, the only outlet listed for Wisconsin.

Salem invested \$7 million to start WFZH in 2001, paying \$3.1 million for a construction permit from Outlook Communications Inc., Tucson, Ariz.; \$421,000 to the FCC and \$2.8 million to a Michigan broadcaster to downgrade its station's signal to reduce interference with the 105.3 frequency in Milwaukee.

WFZH was a new station in November 2001 when it debuted as "The Fish" in Milwaukee. The 6,000-watt station is actually licensed to Mukwonago, but the station's offices and studios are on Milwaukee's west side.



WFZH attracted a niche audience in Milwaukee, ranking 15th among listeners in the 25-to-54 audience in recent Arbitron ratings.

\* \* \* \* \*

John Pierce and Company, Press Release

Maranatha Broadcasting has closed on the assets of WMEJ-FM in Huntington, WV and WZWA-FM in Clarksburg, WV. The new owner is Educational Media Foundation. This purchase now gives EMF extensive coverage over West Virginia and Southeastern Ohio. The closing price was \$900K. Exclusive broker is John Pierce of John Pierce & Company, LLC

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Galaxy to buy nine Clear Channel stations

**CNY Business Journal (1996+), Jul 20, 2007 by Tampone, Kevin**

“Utica-based Roser Communications Network will purchase current Clear Channel stations WSKS-FM and WSKU-FM from Galaxy once the deal goes through. Educational Media Foundation, a major national religious broadcaster, will buy current Clear Channel station WOKR-FM and WRCK-FM, a classic-rock station now owned by Galaxy.”

\* \* \* \* \*

**R&R** March 3, 2007

Washington  
KQBE-FM/Ellensburg (Wenatchee)  
PRICE: \$825,000  
TERMS: Asset sale for cash & note  
BUYER: Educational Media Foundation, headed by president Mike Novak. Phone: 916-251-1600. It owns 210 other stations, including KLUW-FM/Wenatchee.  
SELLER: Peak Communications Inc. (WA), headed by president John Kelleher.  
Phone:  
FREQUENCY: 103.1 MHz  
POWER: 2kw at 1,289 feet  
FORMAT: Adult CHR  
BROKER: The Exline Co.  
COMMENT: Peak Communications' KQBE-FM/Ellensburg, WA to Educational Media Foundation for \$825,000. \$450,000 cash at closing, including \$41,250 escrow deposit, plus \$375,000 promissory note.

\* \* \* \* \*

R&R:

Washington  
KTSL-FM/Medical Lake (Spokane)  
PRICE: \$2.15 million  
TERMS: Asset sale for cash

BUYER: Educational Media Foundation, headed by president Mike Novak. Phone: 916-251-1600. It owns 207 other stations. This represents its entry into this market.  
SELLER: Pamplin Communications Corp., headed by president/CEO Andrea Marek. Phone: 503-553-0380  
FREQUENCY: 101.9 MHz  
POWER: 29kw at 650 feet  
FORMAT: Christian contemporary  
BROKER: Tom McKinley  
COMMENT: Pamplin Broadcasting-Washington's KTSL-FM/Medical Lake, Wash., to Educational Media Foundation for \$2.15 million, payable in cash at closing. \$107,500 escrow deposit.

\* \* \* \* \*

Christian group buys WJKL radio.(News)

**Daily Herald (Arlington Heights, IL), January, 2007 by Phillips, Rob**

Byline: Rob Phillips Daily Herald Staff Writer Rick Jakle said that although he's selling his Elgin-based WJKL 94.3-FM radio station to the Sacramento-based foundation that has operated it since 2001, listeners shouldn't notice a difference. Jakle confirmed Tuesday that he plans to sell his namesake station for \$17 million to the Educational Media Foundation.

## Appendix B

Five FM channels in southern Nevada are delivering programming from AIR-1/KLOVE via EMF and partner “Southern Nevada Educational Broadcasters” (“SNEB”).

### K207DU, EMF

AIR-1 was first delivered on K207DU via satellite in the early 2000’s

**Verdict: Delivers non-local AIR-1 to Las Vegas**

### KVKL, SNEB

08/2005 – Granted 1.6 kW 216 to cover Las Vegas with a waiver, although located about 40 miles from Vegas.

07/2007 – Concurrently filed applications with KAIZ (EMF) to raise power to 44.8 kW, while KVKL reduces power

**Verdict: Delivers non-local KLOVE to Las Vegas**

### KAIZ, EMF

07/2002 – Granted 0.4 kW 216 to serve Mesquite, NV (town 80 miles from Las Vegas)

04/2006 – KAIZ goes to 215 and 25 kW

07/2007 – KAIZ concurrently files with KVKL, to reduce power down to 400 watts, abandoning coverage area.

10/2007 – Files to abandon Nevada completely, changing channels and asking to leave the small town of Mesquite, NV as move to Fowler, Indiana (Lafayette, IN) to cover over 200,000 people.

**Verdict: Decides KVKL can cover Las Vegas with the adjacent channel; covering a small community of Mesquite is useless, so moving across country to Fowler, IN will serve many more people.**

### KEKL, SNEB

08/2002 Granted for Mesquite, NV 100 kW channel 203

03/2005 Downgrades to 20.5 kW

11/2005 Asks to upgrade, covering Las Vegas

**Verdict: Delivers non-local KLOVE to Las Vegas**

### KAER, EMF

Early 2000’s KAER goes on in small community of St. George, UT, 207 0.9 kW

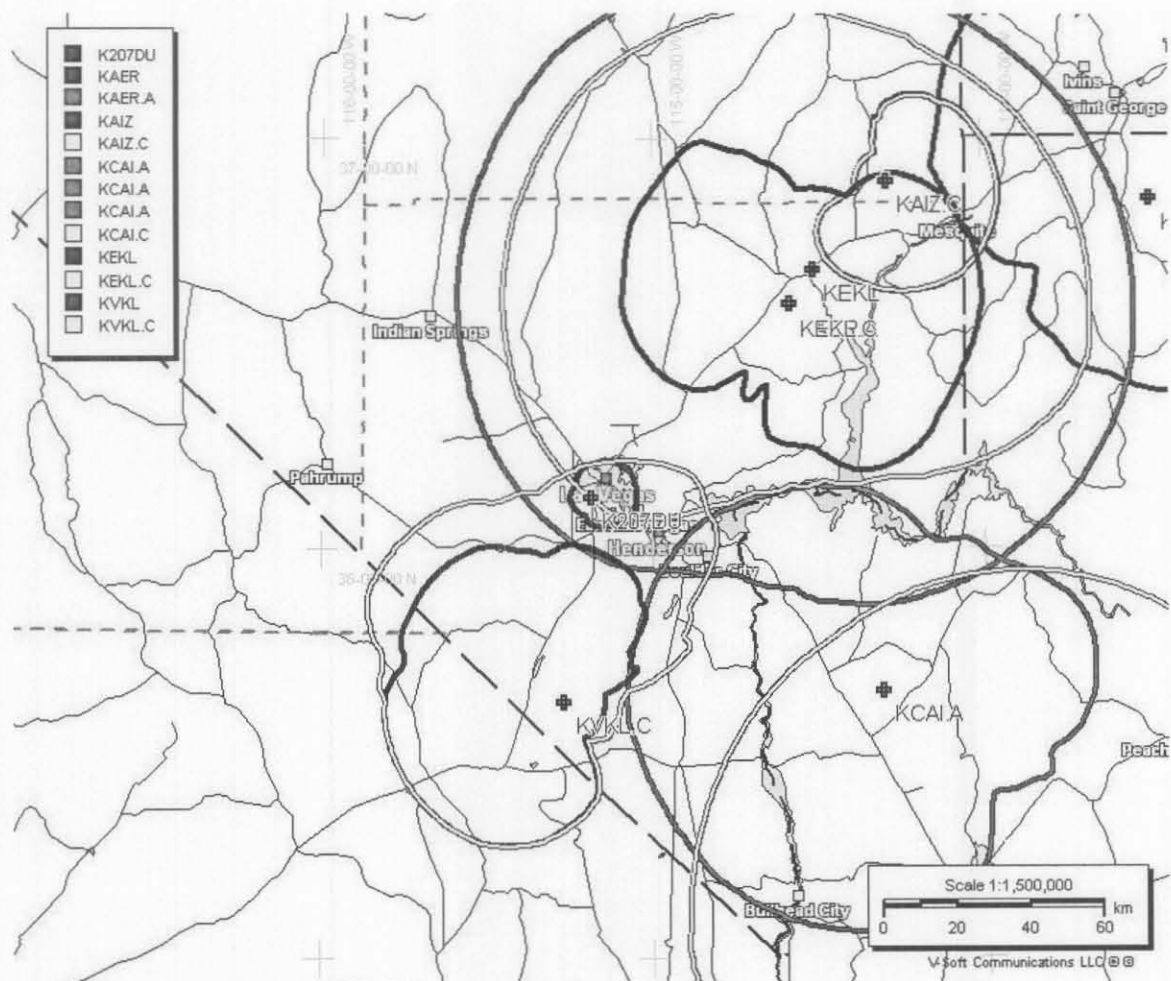
08/2004 – Upgrades to 7 kW, 208

09/2007 – Right before NCE filing window, EMF asks FCC to change community of license from St George, UT, a community of 9289, to Mesquite, NV, covering 1,361,096 (aka Las Vegas metro). This is ironic since EMF *already has a station licensed to Mesquite, NV that they are trying to move to Indiana.*

**Verdict: Moving out of a small community of St George, UT to Las Vegas metro increases the net worth of the frequency several-fold with the single application. Additionally filing it as a minor modification preempts any local group from applying for it in a filing window.**

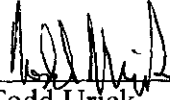
## KCIA, EMF

EMF has a pending application that would project signal from the south up towards the Boulder City/Henderson area.



Submitted by,

COMMON FREQUENCY

A handwritten signature in black ink, appearing to read "Todd Urick", is written over a horizontal line.

Todd Urick

Technical Director, Common Frequency

for the Board of Common Frequency, Inc.

Jeff Shaw

Rich Luscher

Kristin Koster PhD

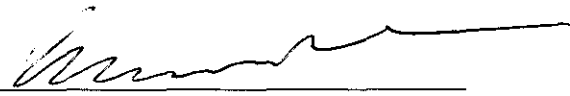
Paul Schramski

Jason Mata

Certificate of Service

I, Darrick Servis, representative of Common Frequency, hereby certify that one original and nine copies of the foregoing "Comments of Common Frequency, Concerning MB Docket No 04-233" were served via first-class USPS on May 3, 2008 to:

Marlene H Dortch, Secretary  
Federal Communication Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

  
Darrick Servis